

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
March 25, 2008

MINUTES

Present: Board Members: Chairman Richard Wolf, Vice-Chairman MacCleod Snaith, Nick Noyes, Carolyn Mulcahey, Robert Gardner and Alternate: Robert Morse

Mr. Wolf opened the public hearing at 7:10 p.m. and the meeting began with a presentation by Town Attorney, Kenneth Bernhard, regarding what the rights and responsibilities are and what is expected of the ZBA members. In response to questions from Board members, he explained the concept of hardship and noted that the classic variance is due to topography which restricts use of the land. He also discussed minor lot line changes vs. major changes and addressed the issue of conflict of interest and recusing yourself, if necessary.

Following Mr. Bernhard's presentation, the hearing on the following application was opened at 7:58 p.m.

19 UPPER PARISH DRIVE, DYSON, DEBORAH & KEVIN, Map 1, Block 2, Lot 18, variance to Sec. 321.5 to reduce front setback for a new garage from 50 to 21.818 ft.
Mr. Wolf began and made the disclosure that he and Debbie Dyson have served on the cemetery committee together, but he does not feel that it will prejudice his review of the application.

Attorney James Murphy came forward to present the proposal. Mr. Dyson introduced himself and his wife and Mr. Botticelli from Clark Construction. Attorney Murphy then presented the plans and photos of the property. He explained that it is at the end of Upper Parish Drive with no neighbors on either side or in front of them. He indicated the proposed location of the garage and on the plans and showed the topography indicating that there is a difference in height of 42 ft. from the front to the back. The area is very steep and if the garage was placed outside the setback, the back floor of the garage would be 14 ft. underground. Attorney Murphy then showed the drawings with elevations of the proposed garage and stated that they have a classic topographic hardship along with the location of septic system and well and the wetlands to the front of the property.

Mr. Snaith then questioned whether they had explored moving the garage back towards the house. Mr. Wolf noted that the property line is 18 ft. off the road. Mr. Noyes expressed concern regarding the size of the garage. Mr. Botticelli from Clark Construction then explained that they want to get a minimum depth of 24 ft. and the pitch of the roof is set up to match the pitch of the existing house.

After some additional questions and discussion, the public hearing was closed at 8:39 p.m.

DELIBERATIONS:

Mr. Wolf opened up deliberations by stated that he does not see any problems with this application and would recommend that a variance be granted. He further noted that it is an isolated property and the Town owns the surrounding undeveloped land and the road as presently constructed is 20 ft. back from the property line and visually keeps the garage further back. Ms. Mulcahey agreed and added that the topography doesn't allow the garage to be anywhere else. She believes it is a reasonable size garage and a reasonable placement considering the conditions. Mr. Snaith commented on the steep slopes in the rear and wetlands in the front and the galleys for the septic on the other side of the house. Mr. Noyes stated that his major concern was the mass of the structure and agrees that there is a topographical hardship.

MOTION FOR APPROVAL

Mr. Snaith made a motion to approve the Variance to Sec. 321.5 for construction of a garage 21.818 feet as shown on plans prepared by Land Surveying Services, LLC, dated 3/20/05 revised 2/8/08, and labeled SP#1, indicating the topography, and SP#2. Also shown on architectural drawings prepared by Clark Construction, dated 10/31/07, labeled 1, 2, EL1-EL4. The variance is granted based on the severe topographical hardships with steep slopes to the rear of the property and the location of the well and wetlands in the front of the property. Mr. Noyes seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Gardner made a motion to approve the minutes from the January 22, 2008 meeting and Mr. Noyes seconded. All in favor, the motion carried (4-0 [Morse abstained]).

MOTION TO ADJOURN

Hearing no additional business Mr. Wolf made a motion to adjourn the meeting and Mr. Snaith seconded. All in favor, the meeting adjourned at 8:56 p.m.

Respectfully submitted,

Delana Lustberg
Board Clerk